



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0690-2010, Version: 1

Background: The discharge of dredged or fill material into waters of the State of Ohio, including wetlands and streams, is regulated pursuant to Section 404 of the Clean Water Act. Entities planning to place dredged or fill material into these waters must comply with standards and conditions imposed by the Army Corps of Engineers and/or the Ohio Environmental Protection Agency including, in many cases, the mitigation of impacts to wetlands and streams.

The City is obligated to mitigate for impacts to at least 7.433 acres of wetlands for the Division of Power and Water's Upground Reservoir project site. The City and the Ohio Wetlands Foundation agreed that they will comply with guidelines and procedures by which the City will pay the Ohio Wetlands Foundation, a total amount of \$460,000.00, for the restoration of wetlands at the Kuhlwein Road Site (northeast corner of the intersection of Darby Creek Drive and Kuhlwein Road in Prairie Township, Franklin County, Ohio), which will be permanently maintained and will serve to mitigate wetland impacts permitted under Sections 404 and 401 of the Clean Water Act and in accordance with ORC Chapter 6111.

Ordinance No. 1338-2009, passed November 9, 2009, contract number EL009847, authorized a deposit payment of \$60,000.00 to reserve these acres and the balance of \$400,000.00 is due prior to June 30, 2010 or the commencement of construction, whichever event occurs first. In the event the City is unable to make the full payment by this schedule, other partial payments and fees have been negotiated to continue reserving the mitigation credits thru June 30, 2011, however the City will incur a penalty of \$30,000 to continue to reserve the mitigation credits.

Emergency designation: It is requested that this Ordinance be handled in an emergency manner as \$400,000.00 is due to the Ohio Wetlands Foundation by June 30, 2010, or a penalty of \$30,000.00 will be incurred by the City to continue to reserve the mitigation credits.

Contract Compliance Information: 31-1357624 (exp. 9/28/11, non-profit)

FISCAL IMPACT: Funds for this expenditure are included within the Water Build America Bonds Fund.

To authorize the Director of Public Utilities to enter into an agreement with the Ohio Wetlands Foundation for the balance due against the purchase of wetland mitigation credits for the Division of Power and Water's Upground Reservoir project site; to authorize the expenditure of \$400,000.00 within the Water Build America Bonds Fund; and to declare an emergency. (\$400,000.00)

WHEREAS, entities planning to place dredged or fill material into Ohio waters must comply with standards and conditions imposed by the Army Corps of Engineers and/or the Ohio Environmental Protection Agency including the mitigation of impacts to wetlands and streams; and

WHEREAS, the City is obligated to mitigate for impacts to at least 7.433 acres of wetlands for the Division of Power and Water's Upground Reservoir project site, in the amount of \$460,000.00; and

WHEREAS, the City paid a deposit of \$60,000.00 to reserve these acres and the balance of \$400,000.00 is due prior to June 30, 2010, or the City will incur a \$30,000.00 penalty to continue the reservation of these credits; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Power and Water, in that it is immediately necessary to authorize the Director of Public Utilities to enter into an agreement with the Ohio Wetlands Foundation for the balance due against the purchase of wetland mitigation credits for the Division of Power and Water's Upground Reservoir project site, in an emergency manner in order to pay the balance by June 30, 2010 or the City will incur a \$30,000.00 penalty for the continued reservation of these credits, for the immediate preservation of the public health, peace, property, and safety;

now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of Public Utilities be and hereby is authorized to enter into an agreement with the Ohio Wetlands Foundation for the balance due against the purchase of wetland mitigation credits for the Division of Power and Water's Upground Reservoir project site, in the amount of \$400,000.00, in accordance with the terms and conditions of the agreement on file in the Office of the Division of Power and Water.

SECTION 2. That the expenditure of \$400,000.00 is hereby authorized for the Upground Reservoir Project within the Water Build America Bonds Fund, Fund No. 609, Division 60-09, Project No. 690370-100000 (carryover), Object Level Three 6621, OCA Code 609370.

SECTION 3. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 4. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 5. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

SECTION 6. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.